

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GERARD VON HAYNES,)	
Petitioner,)	
)	Civil Action No. 13-1137
vs.)	Chief Judge Joy Flowers Conti/
)	Chief Magistrate Judge Maureen P. Kelly
MICHAEL WENEROWICZ; THE)	
ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA,)	Re: ECF No. 16
Respondents.)	

ORDER

After Respondents filed an Answer, ECF No. 8, to the Petition for Writ of Habeas Corpus, Gerard Von Haynes (“Petitioner”) filed a Motion To Amend/Correct Petition for Writ of Habeas Corpus (“Motion to Amend”). ECF No. 16. Petitioner sought leave to amend to add essentially three claims. The Motion to Amend is GRANTED. The filings at ECF No. 3 and No. 16 are together deemed to be the effective Habeas Petition. Respondents are ORDERED to file a Supplemental Answer to the Amended Petition. In addition to whatever else Respondents choose to address, Respondents should address whether the three additional claims are timely filed, i.e., the new claims relate back pursuant to Fed.R.Civ.P.15, in addition to whether the three new claims are exhausted/procedurally defaulted and also Respondents should address the three new claims on the merits. Respondents’ Supplemental Answer is due no later than February 2, 2015.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any

appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

s/Maureen P. Kelly
MAUREEN P. KELLY
CHIEF UNITED STATES MAGISTRATE JUDGE

Date: December 12, 2014

cc: The Honorable Joy Flowers Conti
Chief United States District Judge

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All Counsel of Record Via CM-ECF